



BET Networks > Famous Music > MTV Networks > Paramount Pictures

Keith R. Murphy
Vice President
Government Relations & Regulatory Counsel

October 28, 2008

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: ET Docket Nos. 04-186 and 02-380
Ex Parte Presentation

Dear Ms. Dortch:

Viacom Inc. ("Viacom"), for itself and on behalf of its subsidiary Cabellero Acquisition, Inc. ("CAI"), hereby respectfully requests that the Commission refrain from taking any action in the proceeding encompassing the above-referenced dockets until such time as it has provided the public and interested parties adequate opportunity to consider and comment upon the report issued October 15, 2008 by the FCC's Office of Engineering and Technology.

Viacom is particularly concerned that premature action in this proceeding would cause tremendous harm to Class A and low power television stations, which minority and niche audiences often rely upon for free, over-the-air television programming. CAI owns 8 Class A television stations and two additional low power stations, all of which are affiliated with Viacom's MTV Tr3s Network, which broadcasts programming targeted to Spanish-speaking American households. Although they are still in the process of reviewing the OET 400+-page report (which was released less than two weeks ago), Viacom and CAI believe that there is ample evidence that unlicensed White Spaces devices could cause detrimental interference to low power television stations. Given the potential harm from this interference to broadcast stations – and to the viewers who rely upon over-the-air television – Viacom urges the Commission not to take any further action in this proceeding without soliciting comment from the public.

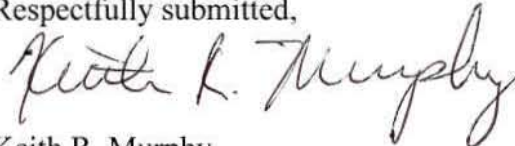
In this connection, Viacom also hereby reiterates, and incorporates into this submission, all of the arguments raised in the letter submitted to the

Marlene Dortch
October 28, 2008
Page 2

Commission in this proceeding by the Community Broadcasters Association on October 27, 2008, a copy of which is attached hereto.¹

Pursuant to the Commission's Rules, a copy of this letter is being filed electronically in the above-referenced dockets. Should you have any questions concerning this submission, kindly contact the undersigned.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Keith R. Murphy". The signature is fluid and cursive, with the first name "Keith" and last name "Murphy" clearly distinguishable.

Keith R. Murphy
Vice President, Government Relations
and Regulatory Counsel
Viacom, Inc.

Enclosure

¹ See Letter, dated October 27, 2008, from Peter Tannenwald, Esq., on behalf of the Community Broadcasters Association, to The Honorable Kevin J. Martin, Chairman, Federal Communications Commission, ET Docket Nos. 04-186 and 02-380.

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October 27, 2008

* NOT ADMITTED IN VIRGINIA

Via electronic filing

Honorable Kevin J. Martin, Chairman
Federal Communications Commission
Washington, DC 20554

Re: Unlicensed Operation in the TV Broadcast Bands;
Additional Spectrum for Unlicensed Devices
Below 900 MHz and in the 3 GHz Band.
ET Docket Nos. 04-186 and 02-380

Dear Chairman Martin:

I am writing on behalf of the Community Broadcasters Association (CBA), the trade association of the nation's Class A and Low Power Television (LPTV) stations, to urge that you withdraw the "White Spaces" item from consideration at the Commission's meeting scheduled for November 4, 2008, and that prior to any vote, the public be given an opportunity to comment formally on OET's report, *Evaluation of the Performance of Prototype TV-Band White Space Devices*, released October 15, 2008.

CBA much appreciates the great effort you have made recently to assist Class A and LPTV stations in obtaining wider distribution of their signals and transitioning to the digital age. However, in light of the fact that most Class A and LPTV stations depend on over-the-air reception, are still seeking companion digital channels, and unlike full power stations, do not enjoy mandatory MVPD carriage rights, the prospect of invasion of the television broadcast band by unlicensed non-broadcast devices is especially frightening.

Five Class A and LPTV stations were taken into account in the OET Report. As the attached spreadsheet shows, in approximately 17% of the observations, the Class A or LPTV signal was *actually viewable* at the location in question, but the White Spaces signal detectors

FLETCHER, HEALD & HILDRETH, P.L.C.

Honorable Kevin J. Martin, Chairman

October 27, 2008

Page 2

declared that the channel was available. In other words, leaving aside a station's predicted service area, signals were not detected 17% of the time at places where the station could actually be viewed. The signals that were not detected were co-channel, not adjacent-channel, making the problem all the worse if White Spaces devices transmitted on those channels.

The whole concept behind unlicensed White Spaces devices is that they will be secondary and will use only spectrum that is not occupied. The devices that have been tested so far do not meet that standard -- they will permit transmissions that will interfere with Class A and LPTV viewing one time in six.

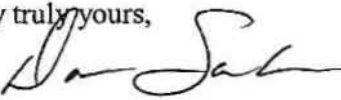
CBA hopes you can see that these results are astonishing and threaten to deprive many viewers of TV broadcast service that is now available to them, including significant sources of minority and ethnic programming. They also suggest strongly that implementation of unlicensed White Spaces operation will interfere with the transition of Class A and LPTV stations to digital operation, because many of these stations will not be able find companion channels if non-broadcast devices in operation.

CBA believes that any new uses of the TV spectrum should be licensed, controlled, and kept firmly secondary to broadcast service. The recent public remark by an official of Google that over-the-air broadcasting ultimately faces extinction makes it clear that unlicensed White Spaces proponents have no intention of remaining secondary or using only spectrum that TV broadcasters do not need.

The recent spate of e-mails from members of the public urging that White Spaces be opened up proves nothing, as anyone who does not have an inexpensive and reliable high-speed Internet connection will obviously say that he or she would like a better connection at a lower price. If someone wants to survey the public, the fair way to do it would be to ask a person how many TV stations he or she would be willing to give up in return for that connection.

As you know, CBA does not purport to be able to match the lobbying resources of the likes of Microsoft, Google, Motorola, and Intel. However, we do hope that you will see how disastrous unlicensed White Spaces operation would be to our stations, using the technology that is available today. If this kind of operation is to be permitted, then CBA suggests that if Class A and LPTV stations remain without MVPD carriage rights and are going to suffer interference to the over-the-air delivery on which they depend, the Commission must include a provision in any new rules that allows these stations to join what they cannot beat, by offering two-way broadband services on their own licensed TV channels.

Very truly yours,


for Peter Tannenwald

Counsel for the Community Broadcasters Assn.

Test Site	Channel	Station Call Sign	Station Location	Signal Type	Separation Distance (km)	Service Contour? (Y/N)	Viewable (Y/N)		ADAPTRUM				I2R				MOTOROLA (Test Mode)				Motorola (Normal Mode)				Philips				Philips	
									Occupied and Available Channels reported to WSD				Occupied and Available Channels reported to WSD				Occupied and Available Channels reported to WSD				Occupied and Available Channels reported to WSD				Occupied and Available Channels reported to WSD					
							L1	L2	L1/S1	L1/S2	L2/S1	L2/S2	L1/S1	L1/S2	L2/S1	L2/S2	L1/S1	L1/S2	L2/S1	L2/S2	L1/S1		L2/S1		L1/S1	L1/S2	L2/S1	L2/S2		
1	23	WDDN-LP	WASHINGTON, DC	NTSC	37.68	N	N			0	0	0	-	-	-	-	-	-	-	-	A		A		0	0	0	A		
2	23	WDDN-LP	WASHINGTON, DC	NTSC	38.57	N	N			A	A			-	-	-	-	A	A	A	A	A		A		0	0	0	0	
3	23	WDDN-LP	WASHINGTON, DC	NTSC	36.03	N	N			0	0			A	A	A	0	-	-	-	-	A		A		0	0	0	0	
4	23	WDDN-LP	WASHINGTON, DC	NTSC	12.43	Y				0	0							-	-	-	-	0		0		0	0	0	0	
5	23	WDDN-LP	WASHINGTON, DC	NTSC	13.22	Y	N					0	0					-	-	-	-	0		0		0	0	0	0	0
6	23	WDDN-LP	WASHINGTON, DC	NTSC	47.76	N												-	-	-	-				0	0	0	0		
7	23	WDDN-LP	WASHINGTON, DC	NTSC	71.27	N								A	A	0	0	-	-	-	-	A		A		0	0	0	0	0
8	23	WDDN-LP	WASHINGTON, DC	NTSC	74.42	N	N			A	-	A	-	A	A	0	0	A	A	A	A	A		A		0	0	0	0	A
9	23	WDDN-LP	WASHINGTON, DC	NTSC	72.8	N	N					A	-	A	A	A	A	A	A	A	A		A		0	A	0	0		
7	47	WMOD-CA	WASHINGTON, DC	NTSC	75.49	N												-	-	-	-				0	0	0	0	0	
1	31	WRZB-LP	ANNAPOLIS, MD	NTSC	33.02	N	N			0	-	A	-	-	-	-	-	-	-	-	A		A		A	A	0	A		
2	31	WRZB-LP	ANNAPOLIS, MD	NTSC	21.65	N	N			0	A			-	0	-	-	-	-	-	A		A		0	0	0	0		
3	31	WRZB-LP	ANNAPOLIS, MD	NTSC	33.57	N				0				0	0			-	-	-	-				0	0	0	0		
4	31	WRZB-LP	ANNAPOLIS, MD	NTSC	31.39	N	N			A	-			A	A	A	A	-	-	-	-	A		A		0	0	0	A	
5	31	WRZB-LP	ANNAPOLIS, MD	NTSC	42.79	N	N	N		A	-	A	-	A	A	A	A	-	-	-	-	A		A		0	0	0	0	A
6	31	WRZB-LP	ANNAPOLIS, MD	NTSC	15.75	N	N			A	-			0	0	A	A	-	-	-	-	A		A		0	0	0	0	
4	49	WWTD-LP	WASHINGTON, DC	NTSC	15.15	Y				0	0							-	-	-	-	0		0		0	0	0	0	
5	49	WWTD-LP	WASHINGTON, DC	NTSC	7.82	Y	N				A		0	0			0		-	-	-	-	0		0		0	0	0	0
6	49	WWTD-LP	WASHINGTON, DC	NTSC	47.87	N												-	-	-	-				0	0	0	0		
1	25	WZDC-LP	WASHINGTON, DC	NTSC	44.04	N	N			A	-	A	-	-	-	-	-	-	-	-	A		A		0	0	0	0		
2	25	WZDC-LP	WASHINGTON, DC	NTSC	43.85	N	N			A	A			A	A	A	A	-	-	-	-	0		0		0	0	0	0	
3	25	WZDC-LP	WASHINGTON, DC	NTSC	42.46	N	N			0	0			0	0	0	A	-	-	-	-	A		A		0	0	0	0	
4	25	WZDC-LP	WASHINGTON, DC	NTSC	15.16	Y				0	0							-	-	-	-	0		0		0	0	0	0	
5	25	WZDC-LP	WASHINGTON, DC	NTSC	7.81	Y	N			0		0	0					-	-	-	-	0		0		0	0	0	0	0
6	25	WZDC-LP	WASHINGTON, DC	NTSC	47.87	N												-	-	-	-				0	0	0	0		

VGA/L1	NR	Amt	Error	Err %	VGA/L162	Amt	NR	AMT	Error	Err %
Total Available responses (18) =	450	153	297	51.17.17%	Total Available responses (18) =	522	153	369	67	18.16%
Total Available responses (18) =	475	171	304	51.16.78%	Total Available responses (18) =	551	171	380	67	17.03%

NR is No Response

VGA is Viewable & Available